

**DISTRICT COURT  
INSTRUCTIONS - RESPONSE TO  
MOTION TO MODIFY CHILD SUPPORT AND/OR SPOUSAL MAINTENANCE**

**YOU CAN USE THIS PACKET OF FORMS ONLY IF:**

- (1) There is already an existing court order setting or reserving support and/or spousal maintenance;
- (2) You are responding to a motion and/or filing a counter motion that is asking the court to change child support, medical support, child care, and/or spousal maintenance; **and**
- (3) The motion is scheduled to be heard in district court.

**You cannot use this form to ask the court to change parenting time (visitation) or custody**



**THE COURT CANNOT GRANT A REQUEST TO MODIFY AN EXISTING CHILD SUPPORT ORDER USING THE INCOME SHARES MODEL UNTIL JANUARY 1, 2008, OR UNDER LIMITED EXCEPTIONS, UNTIL JANUARY 1, 2007. CONTACT AN ATTORNEY OR OTHER LEGAL SERVICES PROVIDER FOR MORE INFORMATION.**

- Court personnel and the county attorney's office **cannot** help you fill out these forms.
- You should see a lawyer if you don't know how to answer the questions on these forms.
- You **must** fill out all three forms included with this packet and you **must** follow the instructions included with this packet.
- Type your answers or print neatly using dark ink.

**GENERAL INFORMATION**

When filling out the forms be as accurate and as detailed as possible. This will help the court to clearly understand your circumstances. The hearing will be held before a district court judge. A court order for child support and/or spousal maintenance may be changed only by showing that the current order is unreasonable and unfair because one of the following conditions has happened:

- Substantial increase / decrease in earnings;
- Substantial increase / decrease in need of a party or the child(ren) involved in this court order;
- Receipt of public assistance;
- Receipt of disability payments for you or the child(ren) involved in this court order;
- A change in the cost of living for either party as measured by the Federal Bureau of Labor Statistics;
- A change in the availability or cost of medical and/or dental insurance coverage or expenses of the child(ren), yourself, and/or former spouse involved in this court order;
- The addition, elimination, or substantial increase / decrease of work-related or education-related child care expenses for the child(ren) involved in this court order;
- Child(ren) attaining the age of 18, graduating from high school, joining the military, or living independently;
- A change in the residence of the child(ren).

If you are now ordered to pay child support and are requesting child support to be suspended because the child(ren) is/are living with you, you must provide proof. Examples of things that you can file with the court as proof are:

- A signed and notarized statement from the other party stating the child(ren) has/have changed residence
- School records
- Day care records or medical records

## **INSTRUCTIONS**

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| <p style="text-align: center;"><b>STEP 1</b><br/><b>FILL OUT THE “RESPONSE TO MOTION TO MODIFY<br/>CHILD SUPPORT AND/OR SPOUSAL MAINTENANCE” FORM</b></p> |
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**STEP 1a:** The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order or your divorce or paternity decree, including:

- The county where your case is located (which may be different from the county where you live)
- The number of the judicial district
- The court file number
- The name of the Petitioner/Plaintiff
- The name of the Respondent/Defendant

If you are the Petitioner/Plaintiff in the current order or decree you will be the Petitioner/Plaintiff in this motion. If you are the Respondent/Defendant in the current order or decree you will be the Respondent/Defendant in this motion.

**STEP 1b:** Fill in the name and last known address of the other party and the county child support agency where your case is located.

**STEP 1c:** In the area marked “Motion”, check off only the boxes that list the changes you are asking the court to make or not to make-- you do not need to check off every box.  
**You may check off as many changes as you wish, but it will be up to the court to decide what changes will actually be ordered.**

**STEP 1d:** Fill in the name and phone number of the person to contact to settle this matter.

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| <p style="text-align: center;"><b>STEP 2</b><br/><b>FILL OUT THE “AFFIDAVIT IN SUPPORT OF<br/>RESPONSIVE MOTION” FORM</b></p> |
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**STEP 2a:** Fill in the top of the form the same way you did on your "Response to Motion to Modify" form in Step 1a above.

**STEP 2b:** Fill in the answers to questions 1 through 15 on the “Affidavit in Support of Responsive Motion” form. If a question does not apply to you, then answer “does not apply.”

**STEP 2c:** **ONLY DATE AND SIGN YOUR “AFFIDAVIT IN SUPPORT OF RESPONSIVE MOTION” FORM WHEN YOU ARE IN FRONT OF A NOTARY PUBLIC OR THE COURT CLERK. MAKE SURE TO BRING PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR**

**CLERK.** A Notary Public can usually be found at a bank and sometimes at the courthouse.

- STEP 2d:** Gather documents that support your reasons why the support order should be changed. Examples of these documents include the following:
- Proof of your income (recent pay stubs or W-2 forms, copies of your tax returns for the most recent year, or business income and business expenses if you are self employed)
  - Proof of your expenses, if they are the reason you are asking for the child support and/or maintenance order to be changed
  - Proof of unemployment/disability (lay-off notice, doctor's statement, etc.)
  - Verification for status of unemployment compensation claim or worker's compensation claim
  - Verification of receipt and amount of social security income
  - Verification of child care expenses
  - Verification of the cost of medical and/or dental insurance coverage

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| <p style="text-align: center;"><b>STEP 3</b><br/><b>FILL OUT THE "SEALED FINANCIAL SOURCE DOCUMENTS" FORM 11.2.</b><br/><b>FILL OUT CONFIDENTIAL INFORMATION FORM 11.1 WHEN NECESSARY.</b></p> |
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"Sealed Financial Source Documents" Form 11.2 can be found at the end of this packet. Certain information is considered confidential and not available to the public. To keep this information private and not available to the public, you must attach Form 11.2 to certain documents that contain confidential information. See Rule 11 of the Minnesota General Rules of Practice for more information. One Form 11.2 can be used for all documents containing confidential information. Examples of documents that have confidential information include:

- Paycheck stubs, W-2 forms, or business income and business expenses
- Copies of your tax returns and schedules
- Bank statements
- Credit card statements
- Check registers

To protect your privacy, the other parties, and your child(ren), all social security numbers, employer identification numbers, and financial account numbers listed on papers you file with the court must be blackened out (crossed out) completely. Failure to do this means these numbers could be available to the general public and you could be charged court costs for the failure to keep your and the other party's social security number, employer identification number, and/or financial account numbers private. Use Form 11.1 to list any of these confidential numbers and file Form 11.1 with the court. **If these numbers are already on file with the court, you do not need to submit another Form 11.1.**

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| <p style="text-align: center;"><b>STEP 4</b><br/><b>MAKE COPIES OF FORMS</b></p> |
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**Step 4a:** After the forms are completely filled out, make two copies of the "Response to Motion to Modify Child Support and/or Spousal Maintenance" form and two

copies of your "Affidavit in Support of Responsive Motion" form and two copies of all documents that support your motion (for example, paycheck stubs, tax returns, proof of expenses). **Do not** make copies of Forms 11.2 or 11.1, unless you want copies for your own records.

**Step 4b:** Keep one copy of each form and one copy of all supporting documents for yourself (remember to bring your copies with you to court on the day of your hearing).

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| <p style="text-align: center;"><b>STEP 5</b><br/><b>HAVE COPIES OF THE FORMS AND SUPPORTING DOCUMENTS<br/>SERVED ON THE OTHER PARTY</b></p> |
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You must arrange for the other party to receive complete copies of all forms and supporting documents you have prepared for the hearing. This is called "service of process." A copy of the motion, affidavit, and any supporting documents must be served upon all parties, either personally or by mail. Personal service means the forms and supporting documents are hand delivered to the other party personally or leaving them at that party's place of residence with some person who is 18 years or older who also lives at the same residence. If a party is represented by an attorney, the forms and supporting documents must be served on the attorney instead of the party.

If using personal service, the forms and supporting documents must be hand delivered upon the other party (or his/her attorney if there is one) at least 14 days before the hearing date. If using mail service, the envelopes containing the forms and supporting documents must be mailed to the other party (or his/her attorney if there is one) at least 17 days before the hearing date. **If your forms and supporting documents are not personally served upon the other party (or his/her attorney) at least 14 days before the hearing date, or mailed upon the other party (or his/her attorney) at least 17 days before the hearing date, your motion may not be heard by the court.**

**NOTE! YOU CANNOT MAIL THE ENVELOPES YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE MAIL THE ENVELOPES FOR YOU.**

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| <p style="text-align: center;"><b>STEP 6</b><br/><b>COMPLETE THE "AFFIDAVIT OF SERVICE" FORM</b></p> |
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**NOTE! THE PERSON WHO HAND DELIVERS OR MAILES THE ENVELOPES MUST SIGN THE "AFFIDAVIT OF SERVICE" IN FRONT OF A NOTARY PUBLIC OR THE COURT ADMINISTRATOR. MAKE SURE THE PERSON BRINGS PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.**

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| <p style="text-align: center;"><b>STEP 7</b><br/><b>FILE THE FORMS WITH THE COURT ADMINISTRATOR</b><br/><b>AND PAY ANY REQUIRED COURT FEE</b></p> |
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The following original documents must be filed with the court in the county where your case is located at least 5 days before the scheduled hearing:

- The original “Response to Motion to Modify Child Support and/or Spousal Maintenance”
- The original “Affidavit in Support of Responsive Motion”
- The “Affidavit of Service by Mail”

**Form 11.2**

You must file copies of all supporting documents (such pay stubs, tax returns, verification of medical/dental insurance costs or expenses, child care expenses, disability payments) and attach one Form 11.2 to supporting documents that contain confidential information (see Step 3). Be certain to blacken out all social security numbers and financial account numbers that appear on any other document not under cover of Form 11.2. Check your documents to make sure all blanks are filled in, especially on the Affidavit of Service and the motion. All papers served must be identical copies of the original forms and supporting documents filed with the court.

**Court Fees**

You must be prepared to pay the \$55 modification fee at the time you file this motion. If you did not pay an initial filing fee when this case first began, you will be asked by court administration to pay all initial filing fees and library fees as well as the \$55 modification fee before your responsive / counter motion can be filed with the court. Court administration will be able to tell you if you have paid the initial filing fees.

If you cannot afford to pay the fee, you may qualify to have the filing fee and motion fee waived by the court. You need to fill out an In Forma Pauperis application (available from the Court Administrator) and file it with the Court Administrator. Your application will be reviewed by a judge who will decide whether you must pay the fees. If the judge does not sign an order that waives the fee, you must be prepared to pay the fee or the clerk cannot accept your forms.

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| <p style="text-align: center;"><b>STEP 9</b><br/><b>APPEAR AT THE HEARING</b></p> |
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Come to court on the date and time scheduled for the hearing. Be sure to bring with you your copy of the “Responsive Motion to Modify Child Support and/or Spousal Maintenance” and “Affidavit in Support of Responsive Motion to Modify Child Support and/or Spousal Maintenance” and all of your supporting documents. You must bring enough copies of any supporting papers not already filed with the court nor served on the other party so that a copy can be given to the other party and the court if you want the court to consider your supporting documents.